

REMARKS

By this Amendment, claims 39, 47-48, 65, 67, and 72-73 have been amended; and new claims 74-76 have been added. Claims 39-43, 47-48, 54, 56-76 are pending in the present application. The present amendments do not add any new matter to the application. For the reasons set forth below, Applicants submit that the present amendments and arguments place this application in condition for immediate allowance.

In the Office Action dated August 19, 2009, the Examiner rejected claims 39-43 and 65 under 35 U.S.C. §103(a) as being unpatentable over Garcia-Mina et al. (EP 1 106 070 A2) (“Garcia-Mina”). The Examiner further rejected claims 47, 48, 54, 56-64, and 66-71 under 35 U.S.C. §103(a) as being unpatentable over Garcia-Mina in view of Schur (US 6,514,551). These rejections, insofar as applied to the claims as amended, are traversed for the reasons as stated below.

By this Amendment, the claims have been amended to provide that the chemical treatment agent of the claims consists essentially of eugenol or salts thereof. As such, the presently-claimed method and compositions are distinguished over the Garcia-Mina reference which requires additional active chemical treatment agents beyond eugenol, and indeed Garcia-Mina requires a “second active ingredient” in addition to a “main active ingredient” as is explained further below.

In contrast to the present invention, Garcia-Mina is specifically directed towards compositions and related methods including a second active agent which can be thymol, cinnamaldehyde, or a number of other ingredients. Indeed, Garcia-Mina describes a treatment with compositions including relatively large amounts of active ingredients in

addition to eugenol. For example, Garcia-Mina describes preparation of a 1 kg product that includes 300 g of thymol, 200 g of cinnamaldehyde, and 50 g of cuminaldehyde, in addition to 120 g eugenol, to yield a product with more than 60% active ingredient. See Garcia-Mina, Paragraph [0031]. For another example, Garcia-Mina describes a product that is 20% thymol and 15% cinnamaldehyde, in addition to 15% eugenol, to yield a product with 50% active ingredient. See Garcia-Mina, Paragraph [0035].

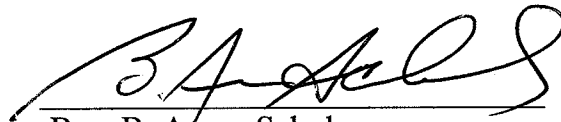
In sharp contrast, embodiments of the claimed composition, and related methods, make use of a more limited amount of a single active ingredient (e.g., about 30% or less) which consists essentially of eugenol or salts thereof. In fact, the present inventors have found that active ingredients, such as those disclosed in Garcia-Mina, are phytotoxic to the plants that are treated. Furthermore, embodiments of the claimed composition, and related methods, make use of limited amounts of eugenol as a unique active ingredient, and provide eugenol in a specific corresponding range of amounts relative to lecithin amounts that are used, the combination of which leads to a far improved inhibition of phytotoxicity and associated beneficial effects that are not described nor suggested by Garcia-Mina.

As such, the Garcia-Mina reference, either alone or in combination with other references, does not make the present claims obvious, and the Examiner's rejections on the basis of those references are respectfully traversed and should be withdrawn.

In light of the amendments and arguments provided herewith, Applicants submit that the present application overcomes all prior rejections and objections, and has been placed in condition for immediate allowance. Such action is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'B. Aaron Schulman', written over a horizontal line.

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